

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11219 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

SANGADA KALIBEN NATHALAL

Versus

DISTRICT PRIMARY EDUCATION OFFICER

Appearance:

MR KB PUJARA for Petitioner

MR RA MISHRA for Respondent No.1, 2, 3

MR HH PATEL for Respondent No.4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 30/07/1999

ORAL JUDGEMENT

#. Rule. Mr.R.A.Mishra and Mr.H.H.Patel waive service of notice of Rule on behalf of respondents.

#. Heard the learned counsel for the parties.

#. It is a case where not only the efficacious

alternative remedy of appeal is available to the petitioner against the impugned order of his termination from services made by respondent No.1 but in fact, he has availed of that remedy. Only on this ground, this writ petition is not maintainable. Reference in this respect may have to the decision of the Apex Court in the case of Bombay Metropolitan Region Development Authority v. Gokak Patel Volkart Ltd. and Ors., reported in JT 1995(1) SC 155.

#. However, the grievance of the petitioner that the appellate authority is not deciding the appeal since four years is justified. The appellate authority is directed to decide the appeal of the petitioner within a period of one month from the date of receipt of writ of this order. Rule discharged. Direct service permitted.

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[sunil]